

Service Date: May 1, 1989

FINAL ORDER NO. 5926

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of )	DOCKET NO. T-9361
M.G. MILK PRODUCERS, INC., Manhattan, )	
Montana, for a Class C Certificate of )	
Public Convenience and Necessity. )	ORDER NO. 5926

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On January 30, 1989, M.G. Milk Producers Inc., 4285 Dyke Road, Manhattan, Montana 59741, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of manufactured dairy products, Class C, between all points and places in the State of Montana.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public March 7, 1989. That notice said in pertinent part:

If no written protests are received by March 27, 1989, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Molerway Freight Lines, Inc., Billings, Montana, and Watkins & Shepard Trucking, Inc., Missoula, Montana.

4. The docket was noticed for public hearing on April 20, 1989, with hearing scheduled for Thursday, May 11, 1989, in Helena, Montana. On

April 25, 1989, Applicant restrictively amended his application and all protests were subsequently withdrawn. The hearing was not held.

5. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

#### CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

#### ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 1st day of May, 1989, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9361, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of M.G. MILK PRODUCERS, INC., Manhattan, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Class C - Manufactured dairy products between all points and places in the State of Montana. Limitations: 1. Transportation of U.S.D.A. donated foods is prohibited. 2. Transportation for the account of Dairyland Wholesale

is prohibited. 3. All shipments must total twenty-five thousand pounds (25,000#) or more per shipper.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 1st day of May, 1989, by a vote of 5 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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CLYDE JARVIS, Chairman

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HOWARD L. ELLIS, Vice Chairman

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JOHN B. DRISCOLL, Commissioner

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DANNY OBERG, Commissioner

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WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Purcell  
Acting Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

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